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DARBY & DARBY, PC  
805 THIRD AVENUE  
NEW YORK, NY 10022

In re Application of :  
William e. Bay et al :  
Serial No.: 10/615,213 : PETITION DECISION  
Filed: July 7, 2003 :  
Attorney Docket No.: 01946/100G906 :


This is in response to the petition under 37 CFR 1.181, filed January 5, 2005, requesting withdrawal of abandonment based on timely filing of a reply.

A review of the file history shows that the examiner mailed an Office action to applicants on June 23, 2004, setting a three month shortened statutory period for reply. A Notice of Abandonment was mailed to applicants on December 29, 2004. Applicants state that a reply was mailed to the Office on December 23, 2004, including a three month extension of time request and fee, and provide a Postal Office Express Mail tracking form indicating receipt by the Office on December 27, 2004 (the next business day due to holiday closures). The reply was not entered into the application until January. Thus the Notice of Abandonment mailed within such a short period after the expiration of the maximum statutory period for reply was mailed in error. In view of the above, the Notice of Abandonment which was mailed in error is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

**The application will be forwarded to the examiner for further consideration.**

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

  
Bruce M. Kisliuk  
Director, Technology Center 1600